



BEAC PUBLIC HEARING

LOCAL ADOPTION OF THE LATEST CALIFORNIA BUILDING STANDARDS CODE AND UNIFORM HOUSING CODE

DECEMBER 3, 2018

PREPARED BY

LBDDEVELOPMENTSERVICES



**SUSTAINABLE
LONG BEACH**

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PROPOSED AMENDMENT:

Section 8.56.020.C of the Long Beach Municipal Code is amended to read as follows:

"Weeds" and/or "debris" includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse and rubbish of any kind or description, or wood, asphalt, concrete and similar materials, or tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are or may become a refuge or breeding place for insects and vermin, or which conceal or are capable of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of neighboring property properties, or which obstruct or hinder the use of any public street, sidewalk, alley or way.

RATIONALE:

Administrative changes to replace "property" with "properties" to clarify prohibited condition on all surrounding properties, not only a single neighboring property.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to replace "property" with "properties" to clarify prohibited condition on all surrounding properties, not only a single neighboring property.

PROPOSED AMENDMENT:

Chapter 8.59 of the Long Beach Municipal Code is deleted as follows:

~~8.59.010 – Purpose.~~

~~This Chapter is enacted pursuant to the City Charter and State law for the purpose, among others, of providing a system to keep all privately owned real property within the City subject to mandatory fencing in order to keep such real property free of weeds, debris, graffiti and other nuisances and providing a system for levy and collection to cover the cost of such fencing by the City including incurred enforcement costs.~~

~~8.59.020 – Definitions.~~

~~For the purpose of this Chapter, certain terms used shall have the meanings provided in this Section unless such meanings would be repugnant to the subject matter or the context in which used:~~

- ~~A. "Board" means the Board of Examiners, Appeals and Condemnation.~~
- ~~B. "Building Official" means the Building Official of the City of Long Beach or designee.~~
- ~~C. "Fence" means any unobstructed fence composed of chainlink or other material, as determined suitable by the Building Official, of uniform height not less than six feet (6') high and not more than ten feet (10') high, as determined appropriate by the Building Official, complete with at least one (1) set of lockable gates which provide access to the property from a public street when unlocked.~~
- ~~D. "Graffiti" means any unauthorized inscription, word, figure or design which can be seen by any person using any public right of way and which is marked, etched, scratched, drawn or painted on any structural component of any building, structure, or other facility regardless of the nature of the material of that structural component.~~
- ~~E. "Lot" means an unimproved lot, parcel, tract or piece of land in the City.~~
- ~~F. "Lot fencing levy" means the charge made by the Building Official for erecting fencing around a lot plus all penalties for nonpayment of the charges which have accrued at the time. In the event the owner fails to comply within the time frame established by the Building Official or as modified on appeal by the board, the lot fencing levy shall also include all incidental enforcement costs incurred by the City whether or not the work was performed later by the City, by the owner, or by others, except as provided below. Incidental enforcement costs include, but are not limited to, the actual expenses and costs of the City in investigating the nuisance, obtaining title information, preparing notices, and performing inspections.~~
- ~~G. "Weeds" and/or "debris" includes all bushes, vines, trees, grass or other vegetation, whether cultivated or uncultivated, and whether dead or growing, and all refuse and rubbish of any kind or description, or wood, asphalt, concrete and similar materials, or tin cans, parts of machinery, implements and automobiles, any of which cause unpleasant or noxious odors, or which are or may become a refuge or breeding place for insects and vermin, or which conceal or are capable of concealing filth and other unsanitary conditions, or which are, or are capable of becoming, a fire or other hazard to the use and occupancy of neighboring property, or which obstruct or hinder the use of any public street, sidewalk, alley or way.~~

~~8.59.030 – Nuisance.~~

~~The existence upon any lot of "weeds", "debris" and/or "graffiti", as defined in this Chapter, is expressly declared to be a public nuisance, and at the determination and direction of the Building Official it shall be the duty of both the owner of the lot and any person who may be in possession thereof or who has a right to such possession, to keep such lot fenced until the Building Official determines such fencing is no longer needed.~~

8.59.040 ~~Notice Form.~~

Whenever the Building Official finds weeds, debris and/or graffiti on any lot and the Building Official determines that in order to effectively abate such nuisances, and prevent the recurrence of the same, the lot needs to be fenced, the Building Official shall cause a notice to fence premises to be given to the owner or owners of the lot as shown upon the current equalized assessment roll, in the manner provided in this Section. The notice shall be in substantially the following form:

NOTICE TO FENCE PREMISES

To _____, as owner of the hereinafter described premises:

Pursuant to the provisions of Chapter 8.59 of the Municipal Code of the City of Long Beach, you are hereby notified to erect an unobstructed fence composed of _____ of uniform height not less than _____ feet high and not more than _____ feet high complete with at least one (1) set of lockable gates which provide access to the property from a public street when unlocked. The fence shall completely enclose that certain real property known as:

(Description of property)

AKA _____
(address)

A permit shall be obtained and the fence shall be erected within twenty (20) days from the date of this notice. If such fence is not erected within that time, the undersigned will cause it to be erected and the charges for erection, including all incidental enforcement costs incurred by the City, shall become a lien upon your property. Be advised that incidental enforcement costs will become a lien upon your property if the fence is not erected within twenty (20) days even if you perform the work later.

If you intend to erect a fence on your account, you are required, pursuant to the Long Beach Municipal Code, to obtain from the undersigned a certificate stating that your premises have been satisfactorily fenced; otherwise the undersigned will, if dissatisfied with the manner in which said work has been done, cause the premises to be refenced at your expense.

If you object to the fencing of your premises you may appeal to the Board by filing a written notice of appeal in the office of the undersigned within fifteen (15) calendar days from the date of this notice. Failure to appeal shall be construed as your acceptance of the Building Official's determination and any and all remedies provided by the Long Beach Municipal Code. Further, if you elect not to appeal this action, said conduct shall be considered on your part a failure to exhaust administrative remedies.

Dated: _____

Superintendent of Building and Safety

City of Long Beach

8.59.050 ~~Notice Service.~~

The notice to fence premises shall be served upon the person whose name appears on the current equalized assessment roll as the owner of the premises involved. Such service may be made either by personal delivery of the notice or by depositing the same in the United States mail, postage prepaid, as certified, first-class mail, return receipt requested, addressed to the owner at the most recent address appearing on the assessment roll, or if no address appears thereon, such service may be made by posting the notice in a conspicuous place upon the property. Proof of the service of the notice shall be made by declaration of the person effecting the service.

~~8.59.060 Appeal hearing—Service of notice.~~

- ~~A. The Building Official shall serve on the owner who has appealed, a copy of the notice of hearing by certified mail.~~
- ~~B. The notice of hearing shall be served at least ten (10) days before the hearing. Proof of service shall be made by declaration filed with the Board.~~
- ~~C. Service shall be completed at the time of the deposit of the notice in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.~~
- ~~D. "Owner", as used in this Section, means any person so designated on the last equalized assessment roll and also any person having or claiming to have any legal or equitable interest in the premises.~~
- ~~E. The failure of any person to receive such notice shall not affect the validity of any proceedings under this Chapter.~~

~~8.59.070 Appeal—Hearing—Procedure.~~

- ~~A. At the time stated in the notice, the Board shall hear and consider all relevant evidence, objections or protests, and shall receive testimony from owners, witnesses, including City personnel, and interested persons relative to the alleged public nuisance and to the proposed fencing of the premises. The hearing may be continued without further notice.~~
- ~~B. Upon conclusion of the hearing, the Board shall determine whether the premises, or any part thereof, as maintained, constitute a public nuisance as defined in this Chapter. If the Board finds that such public nuisance does exist, it shall determine if fencing would be appropriate to effectively abate the nuisance and any recurrence of the same and shall establish a time, not to exceed twenty (20) days, within which the erection of the fencing shall take place; and in the event the owner fails to erect the fence within the time prescribed, the City shall cause the fence to be erected and the cost incurred by the City, including incidental enforcement costs, plus any prescribed penalties, shall become a lien upon the property.~~
- ~~C. A copy of the Board's determination shall be served by mail upon the owner of the affected premises. Service shall be complete at the time of its deposit in a receptacle maintained by the United States Postal Service, with postage thereon fully prepaid.~~
- ~~D. No legal proceeding or action shall lie against the City or any officer, agent or employee of the City, to review or enjoin the enforcement of its determination or orders made pursuant to this Chapter, unless such legal action is commenced within thirty (30) days after the decision of the Board.~~

~~8.59.080 Owner fencing notice.~~

~~Every owner served with a notice or order to fence premises, who upon his own account erects a fence around his lot shall upon completion of the work immediately give written notice thereof to the Building Official. Such notice shall be either delivered or mailed to the office of the Building Official. Upon receipt of such notice the Building Official shall cause the lot to be inspected, and if the fencing is acceptable, the Building Official shall issue to the owner a certificate so stating. If the fencing is unacceptable, the Building Official shall cause the same to be reconstructed and the cost thereof shall be assessed against the lot as if no such notice was received from the owner.~~

~~8.59.090 City fencing—Authorized.~~

~~If any owner served with a notice to fence premises fails to erect a fence around his lot within the time stated in the notice, or order of the Board after appeal, he shall be deemed to have consented to such erection by the Building Official who shall thereupon be authorized, and it shall be his duty to enter upon the lot and erect the fence thereon.~~

~~8.59.100 – City fencing levy computation.~~

~~The Building Official shall, after the erection of a fence on any lot, compute all expenses so incurred by the City in connection therewith including the applicable processing fees as set forth by City Council resolution and all incidental enforcement costs plus any prescribed penalties. All expenses shall be charged to and become an indebtedness of the owner of such premises.~~

~~8.59.110 – Lot fencing levy payment notice.~~

~~Upon computing the expenses, the Building Official shall serve upon the owners of all lots on which fencing was erected, as said owners are determined from the current assessment roll, and in the same manner as provided for service of the notice to fence premises, a notice to pay lot fencing levy (sometimes referred to in this Chapter as a notice to pay), which notice shall be in substantially the following form:~~

~~NOTICE TO PAY LOT~~

~~FENCING LEVY~~

~~In accordance with the provisions of Chapter 8.59 of the Long Beach Municipal Code, the Building Official has caused a fence to be erected enclosing the following real property:~~

~~_____~~
~~(legal description)~~

~~AKA _____~~
~~(address)~~

~~The fence was erected either at City expense or the work was accomplished by that owner or others after the established deadline.~~

~~You are hereby notified that the total cost, including incidental enforcement costs and any prescribed penalties, in the amount of _____ are now due and payable to the City of Long Beach.~~

~~Section 8.59.120 of the Long Beach Municipal Code provides, in part, that the property owner or any interested person may demand a hearing within fifteen (15) days of this notice before the Board on the reasonableness of the charges. Such demand shall be in writing, filed with the Building Official and shall describe the property involved, the reasons for objecting, and the name, address and interest of the appellant.~~

~~If no hearing is demanded, this payment shall become delinquent thirty (30) days from this notice and a lien for said amount, plus a fee for preparation of the lien, shall be attached to the affected property and thereafter bear interest at the rate of twelve percent (12%) per annum until paid. An additional fee will be incurred in the event that payment is not received before the end of the fiscal year and transfer of collection to the City Treasurer becomes necessary.~~

~~8.59.120 – Hearing on charges.~~

~~Within fifteen (15) days from the date of the notice to pay, the property owner, or any interested person, may demand a hearing as to the reasonableness of such charges. Such demand shall be in writing and filed with the Building Official. It shall describe the property involved, state the reasons for objecting, and include the address of the applicant for service of notices in connection with such hearing. The Building Official shall thereupon set a date for hearing such protest by the Board within a reasonable time. The Building Official shall send written notice of such hearing in the manner provided in Section 8.59.060. At the time set for such hearing, the Board shall hear all evidence pertinent to the reasonableness of such charges and shall then either confirm or modify the charges. The decision of the Board shall be final, and the Building Official shall give notice to the parties affected in the manner provided in Section 8.59.070.~~

~~8.59.130 – Interest on charges.~~

~~If the amount of the charges as determined by the Board has not been paid within thirty (30) days of its decision, the payment shall thereupon become delinquent and a lien against the real property and the amount so determined shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid. If no hearing is demanded as to the reasonableness of the charges, the payment shall become delinquent and a lien against the real property shall be recorded thirty (30) days after the notice of the charges for abatement is served by the Building Official; and such amount shall thereafter bear interest at the rate of twelve percent (12%) per annum until paid.~~

~~8.59.140 – Transfer for collection.~~

~~The Building Official shall certify a list of all delinquent charges for lot fencing or nuisance abatement to the City Treasurer who shall submit the list to the City Council for confirmation. Each parcel of property shall be described sufficiently to identify it in accordance with the records of the County Tax Collector. The amount of the charges including such interest as has accrued after the delinquent date shall be set forth opposite the description by the City Treasurer.~~

~~8.59.150 – Method of collection.~~

~~Upon receipt of the list, the County Tax Collector shall enter the charges shown thereon for each parcel of property upon the current tax roll and shall proceed to collect the charges in the same manner as ad valorem taxes, and penalties and interest for nonpayment thereafter shall attach as though the amounts were ad valorem taxes; provided, however, that no receipt for payment of ad valorem taxes appearing upon the tax roll as against a particular parcel shall be issued unless all such charges for collection for lot fencing, correction of substandard conditions or nuisance abatement, and penalties thereon, entered upon that tax roll against the lot are first paid in full.~~

~~8.59.160 – Tax – Sold property.~~

~~Upon the sale of any lot to the State for nonpayment of taxes, all charges for lot fencing, correction of substandard conditions or nuisance abatement for the parcel appearing upon the tax roll, together with the penalties thereon, shall be added to and become a part of the same delinquent tax record.~~

~~8.59.170 – Tax – Sold property – Redemptions.~~

~~No certificate of redemption from sale for delinquent taxes shall be issued until all charges for lot fencing, correction of substandard conditions and nuisance abatement, and penalties entered on the delinquent tax records against the property involved, have first been paid in full.~~

~~8.59.180 – Error correction – Assessment cancellation.~~

- ~~A. The Building Official may, prior to certifying any such unpaid charges to the City Treasurer, correct any errors with respect to such levies appearing upon his records.~~
- ~~B. After such levies have been certified to the City Treasurer and confirmed by the City Council, the Council, by order entered on its minutes, may cancel any charges for lot fencing, correction of substandard conditions or nuisance abatement, or penalty, or any portion of either thereof, appearing on the tax records, which, because of error, is charged against the wrong property, or which has been paid but such payment has not been recorded upon the tax records, or which is based upon a clerical error in such records, or which was charged against property acquired subsequent to the lien date by the United States, by the State, or any City, or any school district or other political subdivision and, because of this public ownership, not subject to sale for delinquent assessments.~~

~~8.59.190 – Interfering with enforcement prohibited.~~

~~No person as owner, lessee, or agent or person in possession of any property within the City shall allow a public nuisance, as defined in Section 8.59.030, to exist within the City, or refuse to allow the Building Official to enter upon any property during the hours of daylight where any such nuisance exists, for the purpose of inspecting or abating same, after notice has been given as provided in Section 8.59.040, or after appeal is concluded or time for appeal has expired, or interfere with the Building Official in any manner whatsoever in the abating of the nuisance or the fencing of the property.~~

RATIONALE:

Administrative changes to delete LBMC §8.59 – LOT FENCING in its entirety due to the adoption of LBMC §18.29 – MAINTENANCE OF VACANT LOTS.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to delete LBMC §8.59 – LOT FENCING in its entirety due to the adoption of LBMC §18.29 – MAINTENANCE OF VACANT LOTS.

PROPOSED AMENDMENT:

Section 8.76.010.E of the Long Beach Municipal Code is amended to read as follows:

Dead, decayed, diseased or hazardous trees, vegetation, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare, or detrimental to neighboring properties or property values;

RATIONALE:

Administrative changes to include the term “vegetation” to describe unsightly appearance of dead, decayed, or hazardous shrubs, hedge, and other plants.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(e) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to include the term “vegetation” as an additional determinate.

DRAFT

PROPOSED AMENDMENT:

Section 8.76.010.J of the Long Beach Municipal Code is amended to read as follows:

Clothesline visible from public view including ~~in front yard areas, and in side yard areas, of and corner lots;~~

RATIONALE:

Administrative changes to further clarify the prohibited use of clotheslines as stated in the current code.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to further clarify the prohibited use of clotheslines as stated in the current code.

DRAFT

PROPOSED AMENDMENT:

Section 8.76.017.C of the Long Beach Municipal Code is amended to read as follows:

Prohibited Materials. No woods, plastic or similar materials shall be used to cover window openings, whether glazed or unglazed, provided that plywood may be used if painted in a color conforming to and consistent with the existing color of the vacant unit or units and is so approved by the Director of Planning and Building-Development Services or his/her designee.

RATIONALE:

Administrative changes to replace "Planning and Building" with "Development Services," which is the current name of the Department.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to correct the Department name to "Development Services."

DRAFT

PROPOSED AMENDMENT:

Section 8.76.030 of the Long Beach Municipal Code is amended to read as follows:

If the owner fails to comply with the notice of the appropriate City official to abate the subject nuisance within the time specified in the notice to abate, the City official shall apply to the Board of Examiners, Appeals and Condemnation for a hearing and a finding of a nuisance. Notice of such hearing shall be substantially in the following form:

**NOTICE OF HEARING TO
DETERMINE EXISTENCE OF
PUBLIC NUISANCE AND TO
ABATE IN WHOLE OR IN PART**

NOTICE IS HEREBY GIVEN that on the _____ day of _____, 1920, at the hour of _____ m., the Board of Examiners, Appeals and Condemnation of the City of Long Beach will hold a public hearing in the Council Chambers of the Long Beach City Hall, located at 415 West Ocean Boulevard, Long Beach, California, to ascertain whether certain premises situated in the City of Long Beach, State of California, known and designated as _____,

constitute a public nuisance subject to abatement by the rehabilitation of such premises or by the repair or demolition of buildings or structures situated thereon. If said premises, in whole or part, are found to constitute a public nuisance as defined by Section 8.76.010 of the Long Beach Municipal Code, and if the same are not promptly abated by the owner, such nuisances may be abated by municipal authorities, and the costs of rehabilitation, repair or demolition plus incidental enforcement costs will be assessed upon such premises and such costs will constitute a lien upon such land until paid.

Said alleged violations consist of the following: _____.

Said methods of abatement available are: _____.

All persons having any objection to or interest in said matters are hereby notified to attend a meeting of the Board of Examiners, Appeal and Condemnation of the City of Long Beach to be held on the _____ day of _____, 1920, at the hour of _____ m., when their testimony and evidence will be heard and given due consideration.

Dated this _____ day of _____, 1920.

(City Official)

RATIONALE:

Administrative changes to change the calendar year reference from 19 to 20.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to change the calendar year reference from 19 to 20.

PROPOSED AMENDMENT:

Section 8.76.110 of the Long Beach Municipal Code is amended to read as follows:

If the nuisance is not completely abated by the owner within the designated abatement period, the City Manager or such other City official as may be designated by him shall serve notice on the owner of the affected premises by certified mail at his last known address as it appears on the last equalized assessment roll a notice of intent to abate nuisance which shall be substantially in the following form:

**NOTICE OF INTENT TO
ABATE NUISANCE**

NOTICE IS HEREBY GIVEN that an inspection made of the premises or property known and designated as _____,

was made on the _____ day of _____, 1920, and a determination made that the order to abate the nuisance at said premises or property by the Long Beach City Council on _____ had not been complied with. Abatement of said nuisance will be accomplished by either City forces or private contractor in accordance with the specifications attached hereto and costs of such abatement will constitute a lien upon said property until paid. Notice is hereby given that said abatement will be undertaken ten (10) days after the date of this notice, and you are herewith notified to remove from the area of your affected premises those articles you deem of value within said ten-day period of time. Articles removed from the premises in the accomplishment of said abatement will be held in storage for a period of thirty (30) days at _____ (location) and claim for articles removed may be made within said thirty-day period. Articles not claimed and removed from storage location within said thirty-day period will be discarded or will be sold if determined to have value.

A statement of costs incurred in the abatement with charges to be assessed will be mailed to you after completion.

RATIONALE:

Administrative changes to change the calendar year reference from 19 to 20.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to change the calendar year reference from 19 to 20.

PROPOSED AMENDMENT:

Section 9.37.170 of the Long Beach Municipal Code is amended to read as follows:

The City shall file in the office of the County Recorder a certificate substantially in the following form:

NOTICE OF LIEN

Under the authority of Government Code Sections 38773.5 and 53069.4, as well as Chapter 9 of the Long Beach Municipal Code, the City did on _____, 1920, abate a nuisance upon the real property hereafter described and also on _____, 1920, did impose the cost of the abatement and administrative costs and penalties upon the real property. The City of Long Beach claims a lien for costs/charges on the real property for the expense of doing the work in the amount of \$ _____ and for the amount of \$ _____ for administrative costs and \$ _____ for administrative penalties, for a total amount of \$ _____. This amount is a lien against the real property until it is paid, with interest at the legal rate per year from _____, 1920 (insert date of confirmation of statement), and discharged of record. The real property referred to above, and upon which the lien is claimed is that certain parcel of land situated within the City of Long Beach, County of Los Angeles, State of California, more particularly as follows:

Dated _____, 1920.

City of Long Beach

By _____

RATIONALE:

Administrative changes to change the calendar year reference from 19 to 20.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes editorial changes to change the calendar year reference from 19 to 20.

PROPOSED AMENDMENT:

Section 18.30.120.F of the Long Beach Municipal Code is amended to read as follows:

Administrative Citation schedule. When during an inspection a building, housing, sanitation code, or Long Beach Municipal Code violation is noted that poses an imminent threat to the health and safety of the occupants or surrounding residents, the City Inspector will notify the owner of the violation in accordance with Subsection 18.30.120.E, and will notify the City Prosecutor's Office of the violation within twenty-four (24) hours of the inspection. If the owner fails to abate the violation within ~~thirty (30) days~~seventy-two (72) hours, the City Inspector may issue an administrative citation every fifteen (15) days for each continuing violation.

RATIONALE:

Change the thirty (30) days criteria to seventy-two (72) hours in order to be consistent with other *imminent threat to health and safety* abatement correction time frames.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment makes administrative changes to be consistent with other *imminent threat to health and safety* abatement correction time frames and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the Long Beach Municipal Code.

PROPOSED AMENDMENT:

Subsection 18.03.020.B of the Long Beach Municipal Code is amended to read as follows:

- B. Applications and permits. The Building Official shall receive applications, examine construction documents and issue permits for the erection, addition, alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

New construction of buildings and structures and substantially improved or substantially damaged existing buildings and structures in flood hazard areas shall be designed and constructed in accordance with Chapter 18.73 Floodplain Management Regulations.

RATIONALE:

Administrative change to reference the latest requirements of Chapter 18.73 Floodplain Management Regulations for construction in flood hazard areas.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment clarifies that any applications and permits for new constructions and substantially improved or substantially damaged buildings or structures in flood hazard areas are subject to the City's Floodplain Management Regulations and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code, California Residential Code, and Long Beach Municipal Code.

PROPOSED AMENDMENT:

Subsection 18.03.050.A of the Long Beach Municipal Code is amended to read as follows:

- A. General. Whenever there are practical difficulties involved in carrying out the provisions of this title, the Building Official shall have the authority to grant modifications for individual cases, upon the application of the owner or owner's ~~authroized~~authorized agent, provided the Building Official shall first find that special individual reason makes the strict letter of this title impractical and the modification is in compliance with the intent and purpose of this title and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Building and Safety Bureau. A written application shall be submitted together with a fee set forth in Section 18.06.160.

The Building Official shall not grant modifications to any provisions required in flood hazard areas unless a determination has been made in accordance with the conditions established in Chapter 18.73 Floodplain Management Regulations.

RATIONALE:

Editorial change to correct the spelling of "authorized".

Administrative change to reference the latest requirements of Chapter 18.73 Floodplain Management Regulations and ensure that modifications are granted in accordance with the conditions established therein for construction in flood hazard areas.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment clarifies that any modifications granted for new constructions and substantially improved or substantially damaged buildings or structures in flood hazard areas are subject to the City's Floodplain Management Regulations and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code, California Residential Code, and Long Beach Municipal Code.

PROPOSED AMENDMENT:

Subsection 18.05.030.A.7 of the Long Beach Municipal Code is amended to read as follows:

7. For buildings located in whole or in part in flood hazard areas as established in Chapter 16 of the California Building Code adopted in Chapter 18.40, Chapter 3 of the California Residential Code adopted in Chapter 18.41, or Chapter 18.73 Floodplain Management Regulations, the construction documents shall include flood hazard documentations and design flood elevation information as required by the provisions of this title, municipal code or other ordinances of the City or laws and statutes of the State.

RATIONALE:

Administrative change to reference the latest requirements of Chapter 18.73 Floodplain Management Regulations for construction in flood hazard areas.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment clarifies that any new constructions and substantially improved or substantially damaged buildings or structures in flood hazard areas are subject to the City's Floodplain Management Regulations and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code, California Residential Code, and Long Beach Municipal Code.

PROPOSED AMENDMENT:

Subsection 18.06.010.A of the Long Beach Municipal Code is amended to read as follows:

In addition to the above, projects regulated under Chapter 18.73 Flood-Resistant Design and Construction Floodplain Management Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

RATIONALE:

Administrative change to reference the latest title of Chapter 18.73 Floodplain Management Regulations for construction in flood hazard areas.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code.

DRAFT

PROPOSED AMENDMENT:

Subsection 18.06.020.A of the Long Beach Municipal Code is amended to read as follows:

In addition to the above, projects regulated under Chapter 18.73 Flood-Resistant Design and Construction Floodplain Management Regulations shall pay an additional fee as set forth in the schedule of fees and charges established by City Council resolution.

RATIONALE:

Administrative change to reference the latest title of Chapter 18.73 Floodplain Management Regulations for construction in flood hazard areas.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code.

DRAFT

PROPOSED AMENDMENT:

Section 18.06.025 of the Long Beach Municipal Code is amended to read as follows:

18.06.025 – Determining valuation.

The determination of value or valuation under any of the provisions of this title shall be made by the Building Official. The value to be used in computing the permit and plan examination fees shall be the total value of all construction work, including materials and labor, for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire protection systems and any other permanent equipment except as provided for in 18.04.020; or the estimate cost to replace the building or structure or portion thereof in kind, based on current replacement cost as determined therein.

In flood hazard areas, the determination of substantially improved or substantially damaged existing buildings or structures shall be in accordance with Chapter 18.73 Floodplain Management Regulations.

No person shall willfully or negligently withhold from or misrepresent to the Building Official any information he or she may request relative to the estimated cost of any proposed work for which an application for a permit has been filed, or misrepresent the cost of any such work. The determination or collection of fees based upon incorrect information and other data supplied by the permit applicant shall not prevent the Building Official from subsequently requiring the correction of the error in determining or collecting the appropriate fees.

RATIONALE:

Administrative change to reference the latest requirement of Chapter 18.73 Floodplain Management Regulations for the determination of substantially improved or substantially damaged existing buildings or structures in flood hazard areas.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment clarifies that any determination of substantially improved or substantially damaged buildings or structures in flood hazard areas are subject to the City's Floodplain Management Regulations and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code, California Residential Code, and Long Beach Municipal Code.

PROPOSED AMENDMENT:

Subsection 18.07.050.A of the Long Beach Municipal Code is amended to read as follows:

- A. Building. The Building Official, upon notification as specified in Section 18.07.030, shall make the inspections set forth in subsection, if applicable.
1. Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.
 2. Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after all in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
 3. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Chapter 18.73 Flood Resistant Design and Construction Floodplain Management Regulations, or Chapter 16 of the California Building Code adopted in Chapter 18.40, or Chapter 3 of the California Residential Code adopted in Chapter 18.41 shall be submitted to the Building Official. A final elevation certification shall be submitted to the Building Official prior to making a request for final inspection.
 4. Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and all pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
 5. Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.
 6. Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
 7. Energy efficiency inspections. Inspections shall be made to determine compliance with the California Energy Code adopted in Chapter 18.46 and shall include, but not be limited to, inspection for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.
 8. Reinforced concrete. When forms and reinforcing steel are in place ready for concrete.
 9. Reinforced masonry. In grouted masonry when vertical reinforcing steel is in place and other reinforcing steel distributed and ready for placing, but before any units are laid up.
 10. Structural steel. When structural steel members are in place and required connections are complete, but before concealing any members or connection.
 11. Other inspections. In addition to the inspections specified in this subsection, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this title and other laws that are enforced by the Building Official.

12. Special inspections. When special inspections are required by Chapter 17 of the California Building Code adopted in Chapter 18.40.
13. Final inspection. Final inspection shall be made after all work required by the permit is completed and prior to occupancy. If located in a flood hazard area, flood hazard documentation required in Chapter 18.73 Floodplain Management Regulations, Chapter 16 of the California Building Code adopted in Chapter 18.40, or Chapter 3 of the California Residential Code adopted in Chapter 18.41 shall be submitted to the Building Official prior to final inspection.

RATIONALE:

Administrative change to reference the latest requirement of Chapter 18.73 Floodplain Management Regulations for the collection of elevation certifications and flood hazard documentations.

FINDINGS:

Local Administrative Clarification – Amendment is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment clarifies when elevation certifications and flood hazard documentations are collected for buildings or structures in flood hazard areas that are subject to the City's Floodplain Management Regulations and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the California Building Code, California Residential Code, and Long Beach Municipal Code.

PROPOSED AMENDMENT:

Chapter 21.33.045 of the Long Beach Municipal Code is amended to read as follows:

Projects proposed on property located in the IP district shall be subject to review by the Harbor Department pursuant to Section ~~18.12.040~~ 18.04.040 of the Municipal Code.

RATIONALE:

The reference to section 18.12.040 is no longer valid. The correct reference is 18.04.040.

FINDINGS:

Local Administrative Clarification – The proposed modification is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment updates the reference code section and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the Long Beach Municipal Code.

PROPOSED AMENDMENT:

Chapter 21.45.400 of the Long Beach Municipal Code is amended to read as follows:

- A. A green building, also known as a sustainable building, is a structure that is designed, built, renovated, operated or reused in an ecological and resource-efficient manner. Green buildings are designed to meet certain objectives such as protecting occupant health; improving employee productivity; using energy, water and other resources more efficiently; and reducing the overall impact to the environment. The City of Long Beach recognizes the benefit of green buildings and establishes a green building program.
- B. The Leadership in Energy and Environmental Design (LEED) Green Building Rating System, trade; created by the U.S. Green Building Council (USGBC) is hereby established as the rating system the City shall use in administering the green building program. Alternative green building systems may be substituted, at the discretion of the Director of Development Services, if the system can be demonstrated to achieve a comparable standard of achievement as LEED.
- C. No building permit shall be issued for the types of projects specified in this Section unless the project meets the level of LEED performance specified in this Section. The Director of Development Services shall have the authority to issue a clearance for all projects subject to the provisions of this Section for LEED compliance. Issuance of clearance shall be based on procedures established by the Director of Development Services.
 - 1. **The following types of projects shall meet the intent of LEED at the certified level:**
 - a. A new residential or mixed use building of fifty (50) dwelling units and fifty thousand (50,000) gross square feet or more.
 - b. A new mixed use, or nonresidential building of fifty thousand (50,000) square feet or more of gross floor area;
 - c. The alteration of an existing residential or mixed use building that results in the addition of fifty (50) dwelling units and fifty thousand (50,000) gross square feet or more;
 - d. The alteration of an existing mixed use, or nonresidential building that results in the expansion of fifty thousand (50,000) gross square feet or more; and
 - e. A new construction or substantial rehabilitation project for which the City provides any portion of funding.
 - 2. **The following type(s) of projects shall obtain LEED silver certification:**
 - a. A new building on City land consisting of seven thousand five hundred (7,500) square feet or more of gross floor area.
 - b. The alteration of an existing building on City land that results in the addition of seven thousand five hundred (7,500) square feet or more of new gross floor area;
- D. A project may be registered with the USGBC to obtain the required LEED certification, or a project may be certified by a third party as meeting the intent of LEED at the level required by this Section.
- E. Projects consisting of multiple buildings on one (1) or several lots shall be evaluated based on total gross floor area or number of dwelling units for the entire building footprint to determine applicability of this Section.
- F. The Director of Development Services shall have the authority to determine if the provisions of this Section apply to a given project in cases of uncertainty.
- G. Each project shall apply for compliance in whichever LEED rating system the Director of Development Services deems most suitable to the project type. The project shall use the version of the rating system in effect at the time the project is submitted for a building permit unless the project developer has

elected to register with the USGBC in which case the project may use the rating system version which was in effect at the time the project registered.

- H. If a commitment to LEED gold or higher certification is made, the project may be eligible for flexibility in regard to certain development standards including, but not limited to, usable open space and off-street parking requirements, as determined by the Director of Development Services.
- I. The following development standards shall apply to all projects requiring site plan review:
 - 1. Canopy trees shall provide shade coverage, after five (5) years of growth, of forty percent (40%) of the total area dedicated to parking stalls and associated vehicular circulation, or paving materials with a solar reflectance index of at least twenty-nine (29) shall be used on a minimum of fifty percent (50%) of paving surfaces dedicated to parking stalls and associated vehicular circulation;
 - 2. Bicycle parking shall be provided at a minimum of one (1) space for every five (5) residential units, one (1) space for each five thousand (5,000) square feet of commercial building area, one (1) space for each seven thousand five hundred (7,500) square feet of retail building area and one (1) space for each ten thousand (10,000) square feet of industrial building area. Fractions shall be rounded up to whole numbers;
 - 3. Roofs shall be designed to be solar-ready subject to all applicable state and local construction codes ~~by allowing for an additional eight (8) pounds per square foot of dead load and providing provide a conduit from the electrical panel to the roof; and~~
 - 4. A designated area for the collection of recyclables shall be provided adjacent to the area for the collection of waste.

RATIONALE:

Solar-ready roof shall be built to all applicable construction codes and not a prescribed load capacity in the zoning code.

FINDINGS:

Local Administrative Clarification – The proposed modification is necessary for local administrative clarification, does not modify a Building Standards as defined in Section 18909(c) of the California Health and Safety Code, and does not require the express findings and determination required by Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code. The proposed amendment updates load requirement to a general reference of applicable construction codes and therefore need to be incorporated into the code to assure that new buildings and structures and additions or alterations to existing buildings or structures are designed and constructed in accordance with the scope and objectives of the Long Beach Municipal Code.